

REMARKS

This Response is submitted in reply to the Office Action dated April 3, 2009, and in accordance with the telephone interview conducted on June 25, 2009. Applicant has amended Claims 1, 2, 5, 9 to 13, 16, 23, 24, 28 to 30, 35 to 37, 40, 41, 43 to 45, 48, 51 to 53, 56, 58 to 61, 67 to 69, 74, 78 to 80, 84 and 87 to 89. No new matter has been added by these amendments as set forth below. Please charge deposit account 02-1818 for any fees which are due in connection with the filing of this Response.

Page 2 of the Office Action, the Examiner suggested that independent Claims 1, 28, 40, 48, 56, 74 and 85 were unclear regarding whether the phrase "designated number of spins" referred to "the number of spins" or "the spins themselves." As discussed during the interview, Applicant respectfully disagrees. Nonetheless, Applicant has amended independent Claims 1, 28, 40, 48, 56, 74 and 85 for clarification.

The Office Action rejected claims 1 to 93 under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,203,430; hereafter "Walker") in view of Graham et al. (U.S. Patent No. 6,491,584; hereafter "Graham"). Applicant respectfully disagrees and traverses this rejection. Nonetheless, Applicant has amended independent Claims 1, 28, 40, 48, 56, 74 and 85 for clarification. At least paragraphs [0006], [0007], [0044], [0046], [0047], [0050] and [0051] to [0057] along with Figs. 4A through 4E of Applicant's specification support these amendments.

Walker discloses a slot machine that identifies a tracked symbol and initializes a running count representing active occurrences of the tracked symbol generated during a play session. The slot machine adjusts the running count, increases the running count to reflect occurrences of the tracked symbol and decreases the running count to reflect expiration of occurrences of the tracked symbol. Once the running count reaches a predetermined level, the slot machine determines a bonus payout based on the running count (abstract). Additionally, Walker discloses that the running count represents a number of occurrences of the tracked symbol, for example, during a particular time period or throughout a number of plays of the slot machine (col. 3, lines 38-41).

The Office Action recognized that Walker discloses that a gaming session begins at a slot machine (e.g., when a player inserts a player tracking card or currency) and the

player plays a number of games during the gaming session. See Walker, col. 4, lines 40-44 and col. 8, lines 35-40. More specifically, Walker discloses that "the slot machine identifies at least one tracked symbol, and throughout the [gaming] session, the slot machine maintains a running count of the number of times the tracked symbol occurs in a generated outcome (col. 4, lines 45-48).

Pages 3 and 4 of the Office Action maintain that Walker "lacks in explicitly disclosing at least one re-trigger symbol" and that "[i]t would have been obvious to modify the invention taught by Walker to include the re-trigger features of Graham . . ."

Applicant respectfully disagrees and submits that Graham discloses a gaming machine, wherein if "[a] triggering condition results in an initial series of free games, and during the initial series of free games, another trigger condition arises, a subsequent series of free games, including a bonus feature, is awarded" (abstract). More specifically, Graham discloses that "[w]hen a base game is played on the machine 10 and a trigger condition arises an initial series of free games is provided" (col. 3, lines 7 to 10).

Amended independent Claim 1 is directed to a gaming device that includes, among other elements: at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to: (i) display a plurality of reels, the plurality of reels including a plurality of symbols, the symbols including at least one prize symbol associated with a physical prize and at least one re-trigger symbol, (ii) display a first designated number, the first designated number being equal to a quantity of initial spins of the reels which will subsequently be displayed, the quantity being greater than one, (iii) display the initial spins of the reels after a wager by a player until none of the quantity of initial spins remain, (iv) display at least one additional spin of the reels if a predetermined symbol combination including the re-trigger symbol occurs on the reels during the displayed initial spins of the reels, (v) accumulate any prize symbols which occur on the reels in each of the displayed initial spins and the at least one additional spin of the reels, and (vi) cause the physical prize to be awarded to the player if the accumulated number of prize symbols reaches a second designated number of prize symbols necessary to be accumulated to win the associated physical prize, wherein the second designated

number of prize symbols is greater than the number of prize symbols which can possibly be accumulated in the displayed initial spins of the reels.

Page 8 of the Office Action equates the number of games in a player's gaming session of Walker to the "designated number of initial spins" of amended independent Claim 1. In Walker, the player determines when to start and stop the gaming session (which, in turn, determines the quantity or number of games in the gaming session). Depending on when the player starts and stops the gaming session, the gaming session could include a plurality of games. That is, in Walker, the quantity of games in any particular gaming session is player dependent. Applicant submits, that based on this interpretation of Walker, Walker does not appear to display a designated number that is equal to a quantity of initial spins of the reels which will subsequently be displayed. Thus, unlike the gaming device of amended independent Claim 1, Walker does not anticipate or render obvious to display a first designated number, wherein the first designated number is equal to a quantity of initial spins of the reels which will subsequently be displayed.

Graham does not remedy Walker in this regard. Applicant submits that, unlike the gaming device of amended independent Claim 1, the gaming device resulting from the combination of Walker and Graham does not anticipate or render obvious at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to display a first designated number, wherein the designated number is equal to a quantity of initial spins of the reels which will subsequently be displayed.

Moreover, in Walker, for a gaming session to have a plurality of games (and spins), the player is required to place a plurality of wagers. That is, for a gaming session to include multiple spins of the reels in Walker, the player is required to place one wager for each spin of the reels. Walker does not appear to display a quantity of initial spins after the player places a wager until none of the quantity of initial spins remain. Graham does not remedy Walker in this regard. Applicant submits that, unlike the gaming device of amended independent Claim 1, the gaming device resulting from the combination of Walker and Graham does not anticipate or render obvious at least one memory device which stores a plurality of instructions, which when executed by the

at least one processor, cause the at least one processor to display the initial spins of the reels after a wager by a player until none of the designated number of initial spins remain.

Page 4 of the Office Action states: "in the case where an initial designated number of spins equals two, each spin providing a maximum of nine symbols, the player is unable to win a minimum prize requiring 75 orange symbols." The Office Action suggests that the player of Walker's game cannot accumulate 75 orange symbols in two spins because each spin results in only 9 symbols. First, as mentioned above, Walker does not appear to designate a first number wherein the first designated number equals a quantity of initial spins for the gaming session. Since Walker does not appear to designate a first number equal to a quantity of initial spins for the gaming session, Walker does not appear to determine a second number of prize symbols which can possibly be accumulated in the quantity of initial spins. Second, Walker enables the player to accumulate designated symbols in each spin, where each occurrence of the designated symbol(s) is counted or accumulated toward that player winning a prize (col. 8, lines 50 to 63). Further, page 6 of the Office Action recognized that "Walker teaches at least one pay line associated with reels and further teaches that the processor accumulates any prize symbols that occur on any of the paylines in each spin of the reels." That is, Walker enables the player to accumulate designated symbols in each spin and does not restrict its symbol accumulation for a prize to particular spins (i.e., a quantity of initial spins).

Graham does not remedy Walker in this regard. Applicant submits that, unlike the gaming device of amended independent Claim 1, the gaming device resulting from the combination of Walker and Graham does not anticipate or render obvious at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to cause the physical prize to be awarded to the player if the accumulated number of prize symbols reaches a second designated number of prize symbols necessary to be accumulated to win the associated physical prize, wherein the second designated number of prize symbols is greater than the number of prize symbols which can possibly be accumulated in the displayed initial spins of the reels.

For at least the above reasons, the gaming device resulting from the proposed combination of Walker and Graham would not anticipate or render obvious the gaming device of amended independent Claim 1. Specifically, the gaming device resulting from the proposed combination of Walker and Graham would not anticipate or render obvious a gaming device including, among other elements: (i) display a plurality of reels, the plurality of reels including a plurality of symbols, the symbols including at least one prize symbol associated with a physical prize and at least one re-trigger symbol, (ii) display a first designated number, the first designated number being equal to a quantity of initial spins of the reels which will subsequently be displayed, the quantity being greater than one, (iii) display the initial spins of the reels after a wager by a player until none of the quantity of initial spins remain, (iv) display at least one additional spin of the reels if a predetermined symbol combination including the re-trigger symbol occurs on the reels during the displayed initial spins of the reels, (v) accumulate any prize symbols which occur on the reels in each of the displayed initial spins and the at least one additional spin of the reels, and (vi) cause the physical prize to be awarded to the player if the accumulated number of prize symbols reaches a second designated number of prize symbols necessary to be accumulated to win the associated physical prize, wherein the second designated number of prize symbols is greater than the number of prize symbols which can possibly be accumulated in the displayed initial spins of the reels.

Accordingly, amended independent Claim 1 is patentably distinguished over the proposed combination of Walker and Graham and is in condition for allowance.

Claims 2 to 27 depend directly from amended independent Claim 1 and are also allowable for the reasons given with respect to amended independent Claim 1 and because of the additional features recited in these claims.

Amended independent Claims 28, 40, 48, 56, 74, and 85 each includes certain elements similar to certain elements of amended independent Claim 1. For reasons similar to the reasoning discussed above with respect to amended independent Claim 1, amended independent Claims 28, 40, 48, 56, 74, and 85 (and their respective dependent Claims) are each patentably distinguished over the proposed combination of Walker and Graham and are in condition for allowance.

Additionally, amended independent Claims 48 and 85 each include the following elements: "wherein the predetermined symbol combination including the re-trigger symbol must occur on the reels at least once to accumulate the second designated number of the first prize symbols," and "wherein the predetermined symbol combination including the re-trigger symbol must occur on the reels at least once to accumulate the second designated number of the first prize symbols."

Neither Walker nor Graham disclose such elements. As discussed above, Walker enables the player to accumulate designated symbols in each spin, where each occurrence of the designated symbol(s) is counted or accumulated toward that player winning a prize. Because the number of spins in a gaming session is player dependent in Walker (i.e., Walker does not designate a number which is equal to a quantity of initial spins in a gaming session), Walker does not restrict its symbol accumulation for a prize to particular spins (i.e., the initial spins provided to the player or the spins triggered by the occurrence of a re-trigger symbol). That is, Walker does not appear to require that a predetermined symbol combination must occur on the reels at least once to accumulate the designated symbols. Thus, unlike amended independent Claims 48 and 85, Applicant submits that the proposed combination of Walker and Graham does not anticipate or render obvious a gaming device or a method which requires the predetermined symbol combination including the re-trigger symbol to occur on the reels at least once to accumulate the second designated number of first prize symbols.

Accordingly, amended independent Claims 48 and 85 and their respective dependent claims are each patentably distinguished over the proposed combination of Walker and Graham and are in condition for allowance.

Further, dependent Claims 24, 27, 36, 37, 45, 52, 53, 69, 79, 80, 88 and 89 (which depend from one of amended independent Claims 1, 28, 40, 48, 56, 74 and 85) are each directed to a gaming device or method which requires, for a first wager made by the player, a first quantity of the prize symbols to be accumulated for the player to win the physical prize, and which requires, for a second, different wager made by the player, a second, different quantity of the first prize symbols to be accumulated for the player to win the physical prize.

Page 8 of the Office Action stated that "determining . . . [the] prize symbols necessary to win a prize . . . is based at least in part on a wager made by the player" and that "[e]ach of these determinations is described at least by the citations of Walker herein because each determination must be established when the player initiates the wagering session." Applicant disagrees. Neither Walker nor Graham determines a quantity of prize symbols necessary to win a prize based on the player's wager. In Walker, though each game is initiated upon a wager made by the player and each game is associated with a number of prize symbols necessary to win a prize, the quantity of prize symbols necessary to win a prize does not change based on different wagers made by the player. That is, Walker does not appear to disclose, for two different wagers made by the player, two different quantities of prize symbols necessary to be accumulated to win the physical prize.

Graham does not remedy Walker in this regard. Thus, unlike dependent Claims 24, 27, 36, 37, 45, 52, 53, 69, 79, 80, 88 and 89, the proposed combination of Walker and Graham would not anticipate nor render obvious a gaming device which requires, for a first wager made by the player, a first quantity of the prize symbols to be accumulated for the player to win the physical prize, and which requires, for a second, different wager made by the player, a second, different quantity of the prize symbols to be accumulated for the player to win the physical prize.

Accordingly, dependent Claims 24, 27, 36, 37, 45, 52, 53, 69, 79, 80, 88 and 89 are each patentably distinguished over the proposed combination of Walker and Graham and are in condition for allowance.

For at least the reasons set forth above, Claims 1-93 are patentable over the proposed combination of Walker and Graham and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: June 29, 2009